

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 3, 2000

DIVISION ONE

B133709 People (Not for Publication)
v.
Jonathan L.

The order of wardship is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

[illegible]

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B134192 Burt (Not for Publication)
v.
Sentinel Ray, Inc.

Affirmed.

Ortega, J.

I concur: Spencer, P.J.
I dissent: Masterson, J. (Opinion)

DIVISION ONE (Continued)

B122251 Lyon (Not for Publication)
 v.
 Ebert

We reverse that portion of the judgment awarding 10 percent prejudgment interest and remand the matter for a recalculation of rejudgment interest at the rate of 7 percent per year. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

DIVISION TWO

B128142 Meyer (Not for Publication)
 v.
 Jay Silverman Productions et al.

The judgment is reversed. Appellant(s) to recover costs.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

B126430 Monteilh (Not for Publication)
 v.
 Mosely et al.

The judgment of dismissal is reversed. The order sustaining the demurrer without leave to amend is vacated and the superior court is directed to enter a new order allowing leave to amend. Costs to appellant.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Cooper, J.

DIVISION TWO (Continued)

B116009 Bitmayl et al. (Not for Publication)
 v.
 Steiner et al.

The attempted appeal from the order granting defendants' motion for summary judgment is dismissed since there is not appeal from such an order. (See, Chilson v. P.G. Industries, supra, 174 Cal.App.2d at p. 616.) The summary judgment as to Bitmayl is reversed and as to Mrs.Bitmayl is affirmed. Each party is to bear its own costs.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B134283 People (Not for Publication)
 v.
 McGee

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Mallano, J. (Assigned)

B131329 People (Not for Publication)
 v.
 Longenbach

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Nott, Acting P.J.
 Cooper, J.

DIVISION THREE

[illegible]

The judgment is modified by reducing from 10 years to 5 years the upper term on the Penal Code section 12022.5, subdivision (a), enhancement pertaining to count two, and by awarding an additional 161 days conduct credit, for a total of 626 days precommitment credit. In all other respects, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

Croskey, J.

We concur: Klein, P.J.
Schneider, J. (Assigned)

B112403 Department of Water and Power (Not for Publication)
B121133 of the City of Los Angeles
v.
International Automotive Design, etc. et al.

The orders of dismissal are reversed as to International Automotive Design, PLC (IAD PLC); the Mayflower Corporation PLC(Mayflower); Mayflower Vehicle Systems, Inc. (MVSI); and Mayflower Vehicles Systems, PLC.(MVS PLC). The trial court is directed to enter an order denying each defendant's motion to quash, and to then conduct further proceedings with respect to defendants' said motions which are not inconsistent with the views expressed herein. DWP is awarded its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B124602 People (Not for Publication)
v.
Molino et al.

The judgments are modified by vacating the convictions for kidnapping and carjacking, and by imposing parole revocation fines as indicated in this opinion. As modified, the judgments are affirmed. A corrected abstract of judgment shall be transmitted to the Department of Corrections.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B131318 Nadim Fahel et al. (Not for Publication)
v.
The City of Los Angeles et al.

The judgment is affirmed. Each party to bear their own costs.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B125133 People (Not for Publication)
v.
Kuti

The judgment is modified to reflect the imposition of a \$200 parole revocation fine, and, as modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment accordingly.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B121194 Butcher et al. (Certified for Publication)
v.
Truck Insurance Exchange et al.

The judgment is reversed, and the matter is remanded for further proceedings consistent with this opinion. Appellants shall recover their costs.

Dau, J. (Assigned)

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B133420 People (Not for Publication)
v.
Guy Dail

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

B128680 People (Not for Publication)
v.
Floyd Earl

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B125961 People (Not for Publication)
v.
Paul Blumberg

The judgment is modified to reflect that the section 1202, subdivision (a) (1) enhancement imposed by the court as to count two is stayed. The clerk of Superior Court is to prepare a corrected abstract of judgment which reflects all of the jury determinations and sentencing choices of the trial court as discussed in part III.D of the opinion. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B131901 People (Not for Publication)
v.
Oscar Saavedra

The matter is remanded for recalculation of defendant's custody credits in accordance with the views expressed herein, including a direction to the parole authority to reduce any period of parole by the number of days of presentence custody credits awarded to defendant. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SEVEN

The court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Chavez, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B124266 People v. Rodgers
B126946 People v. Barnett
B127308 People v. Slaughter
B127998 People v. Silvestre
B128164 People v. Brainangkul
B130407 People v. Gilmore
B130545 People v. Allan O.
B131018 People v. Williams
B131319 People v. Ramirez
B131500 People v. Burt
B131604 People v. Jose Al C.
B132025 People v. Edward A.
B132701 People v. Curry
B132965 People v. Formano
B133218 People v. Jones
B133358 People v. Brown
B133399 People v. Morris and Hurd
B133701 People v. Jorge Z.
B136393 Michael M. v. S.C.L.A.
B136612 William B. v. S.C.L.A.
B132181 D.C.F.S. v. Jacqueline S.
B125852 Weiner v. Weiner
B133641 Yeganhe v. Javaheri
B132394 D.C.F.S. v. Leonard B.

Argument waived, cause submitted.

B128831 People
 v.
 Rodriguez

Merits:

Argued by William L. Heyman for appellant and by Renee Rich, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B130292 People
 v.
 Rim

Merits:

Argued by Allen Weinberg for appellant and by Mitchell Keiter, deputy attorney general, for respondent. Cause submitted.

B132992 People
 v.
 Santistevan

Merits:

Argued by Richard L. Fitzer for appellant and by John C. Yang, deputy attorney general, for respondent. Cause submitted.

B124517 Pour
 v.
 Echard

Merits:

Argued by Sharonda Bradford for appellant and by Steven G. Harman for respondent. Cause submitted.

B132335 Krause
 v.
 Wellisch

Merits:

Argued by Waltraud Krause appellant in propria persona and by Feris M. Greenberger for respondent. Cause submitted.

B128957 People
 v.
 Taylor

Oral argument continued to March 2, 2000, at 9:00 A.M.

DIVISION SEVEN (Continued)

B131626 People
 v.
 Callejas

Oral argument continued to March 2, 2000, at 9:00 A.M.

B132181 May et al.
 v.
 New Morning Star Missionary Baptist Church

No appearance by the parties argument waived, cause submitted.

Court recessed at 9:47 A.M.

Court recovered at 10:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Chavez, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

B127946 Allen
 v.
 Sully-Miller Contracting Company et al.

Merits:

Argued by Greg W. Garrotto for appellant and by Robert A. Muhlbach for respondents. Cause submitted.

B134859 James Evans G.
 v.
 Superior Court, Los Angeles County

Merits:

Argued by Mark G. Harvis, deputy public defender, for petitioner and by Fred Bennett, deputy county counsel, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B133979 People
 v.
 Superior Court, Los Angeles County
 (Hebert, r.p.i.)

Merits:
Argued by David Campbell, deputy district attorney, for petitioner and by
Terri Towery, deputy public defender, for real party in interest. Cause
submitted.

B125182 Berman
 v.
 Health Net

Oral argument continued to March 2, 2000, at 10:00 A.M.

B134156 Lightner
 v.
 Whole Foods Market

Merits:
Argued by Laurence Perry Posner for appellant and by Mark B. Chassman
for respondent. Cause submitted.

Court recessed at 11:47 A.M.

Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J. and Emma Jean Amos, Deputy
Clerk.

B128665 Yonamine
 v.
 Health Net

Merits:
Argued by Sidney Lanier for appellant and by Dawn Cushman for
respondent. Cause submitted.

DIVISION SEVEN (Continued)

B131371 Mason
 v.
 Gorsline et al.

Merits.

Argued by Laurie Susan Gorsline, Douglas Collodel and Richard Flanagan for respondents. No appearance by appellant. Cause submitted.

Court recessed at 2:21 P.M.

Court reconvened at 3:15 P.M.

Present: Lillie, P.J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

B128082 Frankston
 v.
 Interwest Transfer Company

Merits:

Argued by Joshua Tropper for appellant and by Margaret Mullin Weems for respondent. Cause submitted.

B128221 County of Los Angeles
 v.
 Villagomez

Oral argument continued to March 2, 2000, at 2:00 P.M.

Court adjourned at 3:48 P.M.